

Remarks

Claims 1-13 were pending in the application. Claims 3-5 and 10-12 were provisionally withdrawn by the Examiner and claims 1, 2, 6-9, and 13 were rejected. By this Amendment, claims 1, 2, and 8 have been amended and claim 7 has been cancelled. Reconsideration of the claims is respectfully requested. No new matter has been added.

Restriction Requirement

Applicant elects without traverse to prosecute species 1, identified in Figures 1 and 2. Applicant submits that claims 1, 2, 6-9, and 13 read thereon. Claims 3-5 and 10-12 have not been cancelled by this amendment pending the disposition of generic claim 1.

Rejection Under 35 U.S.C. § 102

Claims 1, 2, and 7-9 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,746,292 to Tanaka et al. (hereinafter "Tanaka '292"). Tanaka '292 discloses an apparatus for reducing brake noise in disc brakes (column 2, lines 18-19). The apparatus includes an outer brake pad that is fixed to a backplate (column 10, lines 19-20). The backplate has a threaded through hole and is attached to a caliper (column 10, line 22 and figure 13). This threaded through hole is provided at a position that corresponds to a larger unthreaded through hole in the caliper (column 10, lines 20-22). A rod is screwed into the threaded backplate through hole and extends into the hole in the caliper (column 10, lines 23-24, figure 13). A ring shaped elastic body and weight act as a damper and are positioned on the rod portion disposed in the hole in the caliper (column 10, lines 25-27, figure 13). When the rod portion in the caliper vibrates, the vibration is damped by the elastic body and weight (column 10, lines 50-52). Claim 1 and 8 have been amended to more distinctly claim the present invention. Specifically, claims 1 and 8 have been amended to claim a backplate having at least one hole and a tuned mass damper disposed substantially within the hole. Because Tanaka '292 discloses a damper located in a through hole in the caliper and not within a hole in the backplate, Applicants believe that this rejection has been overcome. Moreover, since the rod in Tanaka '292 is fixed to the backplate (column 10, line 24) it is clear that the portion

of the rod in the backplate hole cannot act as a tuned mass damper as required by the present invention. Since claims 2 and 7-9 depend on amended claim 1 the rejection of these claims is believed to be obviated for the same reasons.

In addition, with respect to claims 2 and 9 Tanaka '292 does not disclose a backplate including a blind hole having a bottom. Instead, Tanaka' 292 discloses a backplate having a through hole. Consequently, each and every element of claims 2 and 9 are not disclosed in Tanaka '292. Applicants respectfully request that this rejection be withdrawn.

Rejection Under 35 U.S.C. § 103(a)

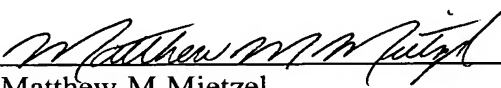
Claims 6 and 13 were rejected under § 103(a) as being unpatentable over Tanaka '292 in view of U.S. Patent No. 4,691,810 to Matsuzaki (hereinafter "Matsuzaki '810"). Claims 6 and 13 depend on claims 1 and 8, respectively. Since claims 1 and 8 have been amended, the rejection of claims 6 and 13 is believed to be moot for the reasons previously discussed.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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